

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Interconnection and Resale Obligations)
Pertaining to)
Commercial Mobile Radio Services)
) WT Docket No. 98-100
) CC Docket No. 94-54

COMMENTS OF
SBC WIRELESS INC.

SBC Wireless Inc. files these comments in opposition to MCI's Petition for Further Reconsideration ("Further Reconsideration Petition") of the Commission's Memorandum Opinion and Order on Reconsideration.¹

1. The Sunset Date Should Not Be Revised

The Commission in 1996 established that the current wireless resale rules would sunset after the date of the award of the last group of initial broadband PCS licenses, which was subsequently determined to be November 25, 1997. Thus, the resale rules are to expire November 24, 2002. In response, MCI filed a Petition for Reconsideration requesting the Commission, among other things, to reverse its decision to sunset the rules. The Commission, after soliciting public comment, denied requests by MCI and others to revise or eliminate the sunset date.² In doing so, the Commission noted that the "Petitioners fail to present any new facts or arguments to persuade us that the decision to

¹ Memorandum Opinion and Order on Reconsideration, In the Matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, CC Docket 94-54; WT Docket 98-100 (Released September 27, 1999) ("Reconsideration Order").

² Reconsideration Order, paras. 12-25.

sunset the resale rule made by the Commission in the *First Report and Order* should be revised in any way”.³

MCI’s Further Reconsideration Petition again requests the Commission to reconsider and revise its decision to sunset the resale rule. MCI’s Further Reconsideration Petition again fails to present any new facts or arguments to support a revision of the sunset of the rules. The Commission should again deny MCI’s repetitive request to revise the sunset date.

MCI requests that the sunset date be extended to November 24, 2003 at the earliest or extended to one full year after the successful conclusion of the implementation of wireless local number portability. As noted above, the establishment of the sunset date for the resale rule was based on the 5-year build out period of the last broadband PCS license.⁴ The sunset date was not set based on the availability or non-availability of local number portability. Given the fact that not all licensed service areas are required to implement wireless number portability, only the top 100 MSA’s, with implementation thereafter upon request pursuant to FCC Rules, the broader “one full year after the successful conclusion of wireless local number portability” request is basically a request to eliminate the sunset date indefinitely.

MCI claims that without wireless local number portability the sunset of the resale rule “could potentially strand wireless resale customers **if** a wireless carrier chose to terminate the resale agreement”⁵. MCI fails to explain what would motivate a facilities-based carrier to turn users off of its network in these days of intense competition - especially users who they know they will be getting paid on since they look to the reseller

³ Id., para. 21.

⁴ See Reconsideration Order, para. 1.

rather than the end-user for payment. MCI also states, without explanation, that if the wireless customer wanted to stay with the underlying carrier, the customer would have to change their telephone number.⁶ Reseller customer bases are sold today from one reseller to another (and sometimes even to the underlying carrier) without the necessity of a change of telephone numbers by the customer. In fact, MCI itself recently purchased such a group of customers in Michigan City, Indiana. Such customers were not required to change their telephone number.

MCI also claims, without further explanation, that “terminating resale without the safety net of in-place wireless LNP will only increase number exhaust and frustrate number optimization efforts as wireless resellers scramble to get numbers and service for customers in the wake of mandatory resale expiration”.⁷ Again, MCI’s concern seemingly is based on the belief that carriers will want to turn off paying users on their networks and force such usage onto the networks of other carriers. Wireless carriers have consistently advocated that the wireless industry is one of the most efficient users of the numbering resources.⁸ Because wireless carriers generally have only 1-2 rate centers in a NPA, numbers can be used to cover a larger geographical area. As telephone numbers are disconnected, the numbers are reassigned by the carrier to new customers. Given the efficient use of numbers by the wireless industry, the elimination of the resale rule will not significantly impact numbering resources. Even under MCI’s scenario, the carrier losing the lines would regain the telephone numbers thus lessening its need for new

⁵ Further Reconsideration Petition, p. 1. (emphasis added)

⁶ Further Reconsideration Petition, p. 2.

⁷ Petition for Further Reconsideration, p. 3.

⁸ See, *Memorandum Opinion and Order, In the Matter of Cellular Telecommunications Industry Association’s Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability*, WT Docket No. 98-229, CC Docket 95-116, para. 9 and cites therein (Released February 9, 1999).

numbers for growth and the numbers previously needed for that future growth would then be available for the carrier who acquired the lines.

Finally, MCI once again recites a litany of reporting requirements that it feels should be imposed on the facilities-based wireless carriers regarding local number portability efforts.⁹ MCI makes the unsupported allegation that while wireless carriers are supposed to meet the LNP deadline by November 24, 2002 “no progress has been made in that regard according to reports made by wireless representatives at North American Numbering Council (“NANC”) meetings”¹⁰. MCI’s failure to provide any support in the way of a cite to a particular meeting, person or statement makes it impossible to know in what context the statement might have been made, when it might have been made and whether it was a statement that was taken out of context. As the Commission recently noted, the Wireless Number Portability Subcommittee is providing reports at the monthly NANC meetings regarding wireless LNP implementation and FCC representatives attend such meetings.¹¹ MCI’s litany is more appropriately addressed in the Telephone Number Portability docket (CC Docket 95-116), wherein the Commission recently noted that “it is premature to consider mandating specific wireless LNP implementation measures or reporting requirements for wireless carriers”.¹²

2. Wireless 911 Does Not Require Mandatory Resale of CPE by Carriers.

MCI requests a Commission mandate that carriers be required to sell enhanced 911 handsets to resellers. MCI states incorrectly that “carriers are implementing E911

⁹ Further Reconsideration Petition, pp. 2, 4.

¹⁰ Further Reconsideration Petition, p. 2.

¹¹ Order on Reconsideration, In the Matter of Cellular Telecommunications Industry Association’s Petition for Forebearance from Commercial Mobile Radio Services Number Portability Obligations, WT 98-229, CC 95-115, ft. 44 (Released February 23, 2000).

¹² Wireless LNP Recon Order, para. 15 & ft. 42.

requirements in CPE, not in the network”.¹³ Carriers are not implementing E911 requirements in CPE; manufacturers are implementing such solutions in CPE. MCI speculates that **if** there is a shortage of such phones, manufacturers’ **may** be pressured (MCI does not explain how) to fill the orders of large carriers first. MCI’s speculation is seemingly misplaced. The E911 requirement is only as to handsets sold after a specific date.¹⁴ Carriers are required to identify their plans regarding implementing Phase II of E911, including plans to use network based or handset-based solutions, far in advance of any actual implementation and no later than October 1, 2000.¹⁵ The Commission notes that requiring such reporting will “allow all interested parties a reasonable time in which to respond to carrier’s reports”.¹⁶ Further, in the competitive world of wireless, no carrier, reseller or dealer wants to be stuck with an overabundance or shortage of inventory. Carriers will be placing their orders based on their projected needs and should not be required to speculate on what the anticipated needs of a reseller might be. MCI should not be excused from having to make the same inventory decisions as everyone else.

As the Commission noted in eliminating “on substantive grounds” CPE and bundled CPE from the resale rule, there is “no evidence that resellers are prohibited from obtaining CPE from sources other than CRMS carriers or from negotiating with equipment manufacturers for discounted prices”.¹⁷ MCI has the ability to receive

¹³ Further Reconsideration Petition, p. 5.

¹⁴ Id.

¹⁵ 47 CFR 20.18(g).

¹⁶ Third Report and Order, In the Matter of Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC94-102, para. 87 (Released October 6, 1999). See also 47 CFR 20.18(h).

¹⁷ Reconsideration Order, para. 29.

enhanced handsets from manufacturers, and they have presented no evidence that they will be prohibited from obtaining such handsets. .

CONCLUSION

For the reasons stated herein, MCI's Further Petition for Reconsideration should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Nary Ann Bloodworth, an employee for SBC Communications, Inc., do hereby certify that copies of the foregoing Comments of SBC Wireless Inc. were served on the 1st day of March, 2000, by first class U.S. mail, postage prepaid, and/or hand delivered, to the following:

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